

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14035, of Sterling H. Safrit, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) for a proposed addition to an existing detached dwelling in an R-1-B District at premises 2001 Randolph Street, N.E., (Square 4228, Lot 51).

HEARING DATE: September 28, 1983
DECISION DATE: October 5, 1983

FINDINGS OF FACT:

1. The subject premises is located on the southeast corner of the intersection of Randolph and 20th Streets, N.E. The site is in an R-1-B District and is known as premises 2001 Randolph Street, N.E.

2. The subject site is rectangular in shape. Its dimensions are 107.5 feet on the north and south sides and forty-five feet on the east and west sides. It has an area of 4,837.5 square feet.

3. The site is improved with a single family detached dwelling built in 1935. The dwelling is a two-story brick structure, with an existing screened porch on the west, an open deck on the east, and a stoop with three steps at the main entrance on the north. There is an existing garage located at the southeast corner of the subject lot.

4. There is access to and from the subject site through Randolph Street on the north, 20th Street on the west, and a sixteen foot wide public alley on the east. Another single family detached dwelling is located on the lot adjoining the subject property on the south. There are no properties adjoining the subject property on its other three sides.

5. The subject square is developed with seventeen single-family detached dwellings on lots of similar size and shape. The square is bisected by a north-south alley. All the dwellings in the square have the rear of their property facing the alley. Eight of the dwellings face east onto 20th Street and nine of the dwellings face west onto 19th Street.

6. The subject neighborhood is zoned R-1-B on all four sides of the subject square. The area is developed primarily with single-family detached homes. Other uses in the area include the Franciscan Monastery three blocks to the west, Taft Junior High School two blocks to the southwest, Barnard Hill U.S. open space three blocks to the east, and a one-block long C-1 strip located two blocks to the north. The neighborhood environment is one of low density housing and open space.

7. The subject property is occupied by the applicant and his wife, a retired couple. The first floor of the subject dwelling provides three rooms of living space. The powder rooms are located on the second floor and in the basement. The applicant stated that the necessity to frequently negotiate the stairs to reach a powder room creates a health hazard based on the medical condition of both occupants.

8. The applicant proposes to construct two additions to the subject dwelling, both at the first floor level. The subject addition, a powder room would be added on the south side with the dimensions of four feet north to south and ten feet east to west. An additional extension which is not part of the application would be made to the porch on the west side. The entire porch would be enclosed to form a room with dimensions of twenty-one feet, six inches north to south and eight feet east to west. These additions would provide increased living space and enable the applicant to remain on the first floor all day without climbing stairs to reach a powder room.

9. There are at present conforming side yards on the north and south of the subject structure and a conforming rear yard on the east. The existing side yard on the south is the minimum eight feet in width. The proposed powder room addition would reduce the side yard to four feet and would thus require a variance of four feet or fifty percent from the side yard requirements. The proposed extension and enclosure of the porch on the west would end at the south wall of the existing dwelling. This would result in a conforming eight foot side yard and would not require any zoning relief. The applicant is seeking a variance from Sub-section 3305.1 in the order to construct the powder room proposed for the south side.

10. The Board of Zoning Adjustment has the power to grant variances under Paragraph 8207.11 which provides:

Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of

a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

11. The applicant argued that there is no alternative location for the powder room that would be workable. The other possible locations would require that access to the powder room be made through existing rooms. The proposed location would provide access through a hallway and prevent the opening of a powder room door in a room where people are sitting, eating or cooking. The proposed location would also allow the use of existing plumbing lines from the second floor and basement powder rooms above and below at the same location.

12. The applicant rejected other alternatives for reasons of interior access. The rear yard on the east of the subject structure is forty-five feet in depth whereas twenty-five feet is required. This would permit an addition on the east with twenty feet in depth. Access to such an addition would be through the dining room and the powder room door would be interior to the addition. Also, the proposed addition on the west could be converted into a powder room. However, such an addition would require access through the living room.

13. There is no reason, other than the applicant's personal preference, that an addition could not be constructed to house a powder room on either the front or the rear of the house. Such a solution might be less desirable to the applicant, but it can be accomplished as a matter-of-right with no variances.

14. The side yard on the south of the subject dwelling plus the side yard on the north of the adjacent dwelling provide a combined sixteen feet of space between the two dwellings. The proposed addition would reduce this space to twelve feet, and a potentially similar addition on the north of the adjacent dwelling would further reduce the space to eight feet between the two dwellings. The applicant argued that the side yards were little used by either the neighbor or the applicant.

15. The adjacent neighbors on the south of the subject property submitted a letter to the record indicating that

they had seen the plans for the proposed construction. The plans met with their approval and they had no objections.

16. Advisory Neighborhood Commission 5A made no recommendations on this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape, or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicant has not met this burden of proof in showing a practical difficulty inherent in the property. There is no unique or exceptional condition of the property. The subject lot is rectangular in shape and similar in size and shape to surrounding lots. There is no practical difficulty in constructing a conforming addition on either the front or the rear of the subject structure. The applicant's desire not to provide access to the proposed addition through an existing room or alternatively to buffer the entrance by locating the powder room inside a larger addition does not constitute a practical difficulty in the sense defined by the Zoning Regulations. It is a matter of personal taste to the applicant. Such is not grounds to grant a variance. The Board further concludes that the applicant's reasons for constructing the powder room on the first floor are personal, and do not arise from the property.

The Board further concludes that granting this area variance to reduce a side yard by fifty percent where an adjacent dwelling would be only twelve feet away in an R-1-B District cannot be done without substantial detriment to the public good and substantial impairment to the intent and purpose of the zone plan. Accordingly, it is hereby ORDERED that the application is DENIED.

VOTE: 3-1 (Douglas J. Patton, Maybelle T. Bennett, and William F. McIntosh to deny; Carrie Thornhill opposed to the motion; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

FEB - 6 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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